

Judicial Information Systems Council Meeting (JIFFY)
Meeting Minutes

Judge Karen Mitchell, Chair

Judicial Information Division
505-476-6900
Thursday, April 21, 2016
9:35 - 12:09 p.m.

JIFFY Voting Members Present:

Judge Karen Mitchell, Chair
Judge Duane Castleberry
Judge Henry Alaniz
Tobie Fouratt
Judge J. Miles Hanisee
Brenda Castello
Jason Jones
Judge Sarah Singleton
Jim Noel
Judge Mark T. Sanchez
Ian Bezpalko
Lynne Rhys

Staff Present:

Wesley Reynolds
Annie Hall
Genevieve Grant
Tim Elsbrock
Jo Warren
Jane Davenport
Steve Harrington
Laura Orchard
Pat Mente
Jessica Vigil
Margarita Terrell

Guests Present:

Celina Jones (video)
Jonathan Ash
Barry Massey (video)
Oscar Arevalo
Darla Goar
Katina Watson
Colleen Reilly
Phil Gallegos
Laura Gallindo
Bettina McCracken
Deborah Gutierrez (video)
Hilari Lipton (video)
Monica Chavez-Crispin (phone)
Joe Moore (phone)
Jeremy Toulouse
Tina Sibbitt (video)

Non-voting Members Present:

Gregory Saunders
Justice Petra Jimenez Maes
Artie Pepin

Carlos Cordova
Suzanne Winsor (video)
Renee Cordova

I. Approval of Agenda. Judge Mitchell called the meeting to order at 9:35 a.m. The agenda was accepted as presented.

II. Budget and Revenue.

JID Revenue Pipeline. Oscar Arevalo presented the “*JID Revenue Pipeline*” and reported that a decline in SCAF revenue of approximately \$250,000 is projected (p1) from FY15 to FY16. The actual decline thus far from March FY15 to March FY16 is \$172,061. The revenue by entity (p2) shows that magistrate court revenues are down, district courts are up, BCMC is down and MVD collections are the cause of a great deal of the decline in revenues. Red Light revenues are also lower than last year at this time. At the bottom of the page in the first column, it should read “Diff Thru Mar FY16/FY15. The projected cash flow analysis (p3) shows that approximately \$200,000 of the SCAF fund balance will be transferred to cover costs and the projected fund balance for FY16 is \$1,078,536. The computer system enhancement fund (p6) shows the Appellate Court electronic filing and the web portal project on schedule to be expensed by the end of FY16.

- Mr. Arevalo referred to the handout entitled “*Total SCAF Collections by Entity (Big 5) and Fiscal Year*” which illustrates that MVD, magistrate courts, BCMC, district courts and Red Light Camera collections have all been declining in the past few years. The other handout entitled “*Total SCAF Collections by Entity (Big 5) Fiscal Years 2008-2015*” is a compilation of the five entities and explained that a ten dollar civil filing fee was instituted in FY10 which added significantly to the revenue collected but that gain has disappeared completely as of FY16. The current SCAF revenue decline points out the urgent need for more general funds to compensate for the loss in revenue collections while expenses to run JID keep climbing.

MVD Decline. Greg Saunders added that SCAF revenues are funding sources that are not controllable by NM Judiciary. Mr. Saunders referred to the handout entitled “*MVD*”

Citation Collection Decline” which is a compilation of emails Mr. Saunders sent to the Deputy Secretary and technical staff that are working on the Tapestry implementation at TRD/MVD. In one type of case alone, ninety percent of the tickets were incorrect. In the past that money was all being passed through to the different entities, whereas now the decision is to automatically refund that money to the drivers. AOC/JID’s collections from TRD/MVD will be reduced by \$200,000 from last fiscal year. This does not include an analysis of all of the other areas that will be adjusted in the new Tapestry system. The revenue collections from TRD/MVD to NM Judiciary will in all probability, continue to decline.

- Mr. Arevalo noted that there was an assumption that with e-payments there would be an upturn in collections and that has not been the case. People are just paying online rather than in person at the courthouse.

III. Informational.

Pro Se Guide & File (Texas vs New Mexico). Colleen Reilly reported that the Texas model of Guide and File was designed as an electronic filing model. Forms and interviews were developed with the intent that they would be electronically filed. That has not been the model in New Mexico. The forms and questionnaires that are available are printed out and delivered to the clerk. In NM pro-se litigants have to provide identification and in an electronic filing model that is not available at this time. In Texas the person filing does not have to provide identification. Once Texas built the first set of interviews and forms, then they qualified for a grant to continue to build forms and questionnaires.

- Justice Maes clarified that the first step to an electronic filing model for Guide & File was to achieve conformity in NM Judiciary rules and forms and have them implemented. The NM Judiciary goal was always to allow the user to electronically file the forms and interviews. One of the obstacles to moving forward with Guide & File has been the issue of requiring identification before the person could file the form.
- Tina Sibbitt explained that she is addressing the Guide &File project in the print only version. The 2nd JDC had concerns regarding the identification issues and the Supreme Court heard those concerns and made form changes to add a

physical notarization requirement for certain documents. The link for “*Divorce Without Children*” was made available to internal statewide court staff who deal with ADR services and pro se self-help services. The feed-back from that group was used to improve the interviews. Tyler has recently updated the Guide & File to v1.8 which has innovative techniques to collect information about children for the “*Divorce With Children*” module. Ms. Sibbitt is working with Tyler and redoing all of the “*Divorce With Children*” interviews. The plan is to release those interviews to the same statewide internal user group, the 2nd JDC for use in their ongoing pilot, and the 1st JDC to work with through the end of June 2016. Ms. Sibbitt is proposing that after receiving the feedback from the users, to formalize the forms and then release the link for both the “*Divorce Without Children*” and “*Divorce With Children*”. The interviews will have to be reconfigured for Guide & File e-filing and that could happen in conjunction with the upgrade of the print version interviews and then hidden until e-filing is authorized.

- Genevieve Grant stated that Tyler is providing JID with a test site and test user to test the security access for e-filing Guide & File. A person who e-files will only have access to see their document that has been filed in Guide & File and not have access to File & Serve. JID staff will be testing that component this week.
- The E-verification issue was referred to the DR Rules Committee who has not informed JID or Tina Sibbitt of any decision regarding this issue.
- Ms. Reilly stated that Tyler has a solution that will allow a self-represented litigant who is using Guide & File to have electronic access to his/her case file and no other litigant’s file.

JID Project Updates. Tim Elsbrock began by saying that there is a current roadmap with current and future projects up to October 2017. Ongoing maintenance consists of tasks that must be continually worked on in order to keep the technology of NM Judiciary running smoothly. These tasks include Odyssey projects, network infrastructure, and switches. The Parking Lot contains the future undertakings that people want and agree are worthwhile endeavors. The Parking Lot is a very long list and does not have a timeline, budget or a way to add future projects to the current

project list. Some new projects find their way on to one of the project lists by JIFFY approving projects presented by a business owner or champion, Odyssey and Non-Odyssey projects or requests, requests for such things as switches and routers, Applications or Systems Group determine an unforeseen need (Case Lookup to be rewritten) and external requests from partners or other agencies with hard deadlines (JID to prepare NICS reporting). Complicating the current roadmap are projects that come in sideways such as projects that AOC needs completed in a few months, NICS reporting, grants and many others that are needing JID's time and resources. Mr. Elsbrock asked JIFFY for help in managing the different project lists by having a working session in the May JIFFY meeting. The goal is to help prioritize JID's current lists in order to be able to put those on a roadmap with a reliable expectation of a delivery date and to define the prioritization process as a whole.

- Judge Mitchell pointed out part of the working session is to confirm that JID's resources are in the right place and having those resources doing what will yield the greatest return for the NM Judiciary. OJUG will be canceled for May. The May meeting will begin at 8:00 a.m. and consist of a brief report by Mr. Arevalo on the budget and revenue and most of the remainder of the meeting will be spent on prioritizing JID's roadmap and resources.
- Mr. Elsbrock would like JIFFY's approval for the Odyssey roadmap that is agreed on at the May meeting, a second tier of what projects should happen after the current roadmap is completed, a prioritized Parking Lot and a process by which people who are asking for JID's help with a specific project can lobby for that endeavor and how it should be added to the current project list. Mr. Elsbrock would like to have a regular process for individuals who wish to implement new projects through JID.
- Mr. Saunders would like JID to have the ability to delay projects JID has identified that go around the JIFFY process if JID is not in a position to complete the task successfully without impacting the current roadmap.
- Justice Maes stated that part of the May meeting will be to define what IT initiatives individual courts can do on their own if they have the IT staff to accomplish that goal and what initiatives need to go before JIFFY and identify the priorities. JIFFY needs to be informed of available JID staff, how much

time there is to work on initiatives and develop a process so that courts know what they need to bring and how to present it to JIFFY.

Action Item: JID will prepare recommendations for JIFFY based on the number of staff hours and the proper mix of staff hours for the different tasks. Proposals of how JID would prioritize the current project lists based on an analysis of every project, what it means, what the contingencies are, how many staff and possible contractors are available to do it and where it fits in to the current roadmap.

IV. Action Items.

Update on Tyler E-file Contract. Artie Pepin referred to the memorandum dated April 21, 2016 regarding “Request to Recommend Increase in File and Serve Fees Under the New E-Filing Contract” and reported that the electronic filing contract with Tyler terminated on December 31, 2015. A new contract was negotiated which provides \$3.50 to Tyler on every transaction. Total revenue to Tyler for each transaction is capped at \$1,125,000 and any revenue earned in excess of the \$1,125,000 pays the gross receipts tax (grp) and the maintenance and support obligation for Odyssey.

Rates are set by the Supreme Court for File & Serve activities. Under the new contract, any revenue above the \$3.50 after the revenues to Tyler, grp and the Odyssey maintenance and support to Tyler will come back to AOC/JID. Those monies would go into the Electronic Services Fund which is non-reverting and allow for revenue to be used to provide electronic services for NM Judiciary. Use of these funds are subject to the approval of the Supreme Court based on fees that the Supreme Court has approved and the spending is subject to Supreme Court approval. The fees were set at the same rate as last year by the Supreme Court, however the Supreme Court asked that Mr. Pepin go to JIFFY to find out what JIFFY’s recommendation is regarding changing the fees. The current rates are \$10 to File & Serve, \$6 to File only and \$4 to Serve only.

Due to the decline in revenue to the Supreme Court Automation Fund, there is less money in the JID budget in FY16 than there was in FY11. AOC is asking JIFFY to recommend to the Supreme Court an increase of \$2 to File and an increase of \$2 to File & Serve. The increase in fees would assist JID in running the jury system, expansion to criminal e-filing, the security infrastructure that allows the e-filing system to operate and Odyssey Public Access. All of these operations are tied into the

effective functioning of the integrated system that involves Odyssey, File & Serve and at a future date Guide & File. The funds could be used to offset the decline in revenue for one- time expenses to support the Supreme Court Automation Fund.

Based on the approximately 300,000 filings in 2015, the proposed additional two dollar charge for File & Serve and File would generate an additional \$400,000 after all expenses were paid. The additional funds could be used for such items as the one time redaction cost, the rest of the magistrate court scanning that is not covered by a grant, one- time costs for equipment and infrastructure needs associated with statewide risk assessment and Odyssey Public Access.

- Justice Maes stated that the Supreme Court will want to know what the money from the rate increase will be used for and the estimate of how much the increase will generate? Increasing the fees on File & Serve puts NM Judiciary further in the position of using other sources of revenue to fund IT. As a separate branch of government, NM Judiciary needs to have IT funded the same way that DoIT is funded for the Executive branch and the Legislature.
- Judge Singleton commented that attorneys might be more amenable to paying the higher fees if the costs were recoverable. As of now there is no Supreme Court rule stating that electronic filing and service fees are recoverable costs.

Action Item: Artie Pepin to identify projects that would be directly related to e-filing that would be justified by a raise in the attorney e-filing fees and to site the rule related to recoverable costs for attorneys as it relates to filing fees. Mr. Pepin to explain the reason for the proposed changes in fees from \$8, \$6 and \$4 to \$12, \$8 and \$0. The information will be presented to JIFFY at the June 23, 2016 meeting.

IT Budget Strategy Committee. Judge Sanchez reported that the IT Budget Strategy Committee gathered information from a number of courts including 13th JDC, magistrate courts and BCMC. The goal was to determine how much each of the entities was spending on technology. It was determined that much of the IT work is done by JID and the Supreme Court Automation Fund is decreasing every year and the monies currently being collected are insufficient to fund JID. The strategy to adequately fund JID would be to have JID stand alone with its own budget and funding for JID would come out of the General Fund. The Committee proposes

approaching the district courts, BCMC and the magistrate courts with a proposal to include a certain amount of IT money in their base budgets. The IT money would be earmarked for use by JID and in return JID would provide defined services to the courts. The other part of the plan is that there would be a recurring increase (six percent over a period of years) in the budget requests with the purpose of allowing JID a separate budget from the rest of NM Judiciary. The proposal, if JIFFY approves the stated strategy, is that it be placed as a priority on the Budget Committee agenda and Chief Judges Council to be worked on for the next fiscal year. The list of services to be provided by JID still has to be determined.

- Justice Maes suggested that JID be removed from the AOC budget and move it up to the statewide unit. There is a need to create an independent entity such as a DoIT in NM Judiciary with a CIO that will operate independently of AOC.
- Mr. Saunders stated that the IT Budget Strategy Committee recognizes that the courts are spending a great deal of money on IT that is not allocated to their budget by using vacancy savings or delaying projects even if they have a necessary purchase. The strategy was to identify JID supplying support to the desktop for the courts and other judicial entities, on items that are core to operating the network including replacing computers, data lines, network connections, adding email addresses and adding word licenses. The committee looked at those costs and figured out how to allocate those costs over to the individual at a desktop on a per capita basis as defined by the service level agreement JID has with the entity.
- Mr. Pepin noted that the theory behind JID having a separate budget from AOC is so that the individual courts can request their share of the IT budget for the services that JID needs to provide. Interagency transfer can be made to JID to pay for the services. The base budget for JID is inadequate and the proposal is to adopt a six year plan for automation funding that includes a six percent a year increase for the next six years until JID is adequately funded for basic IT operations and JID's employees are paid out of the General Fund.
- Justice Maes explained that if JID goes to the legislature and requests an increase in their budget, they would not get that increase. For many years, the

judiciary has tried to move the JID employees out of SCAF and into the General Fund which has not happened and JID is in need of more staff every year. There is a reluctance to fund automation out of the general fund but the individual courts do not get as much resistance when requesting funding for IT.

- Mr. Saunders commented that JID is very aware that the courts are spending a great deal of money on IT that is not allocated for technology. The goal is to get that money allocated into the courts' budget so that courts do not have to delay projects or keep a vacancy that needs to be filled.
- Judge Alaniz pointed out the concern of the IT Budget Strategy Committee is that under the financial circumstances, these proposals need to be a priority for NM Judiciary, and if not then why develop the details to support the proposals of the committee? An example of a detail would be researching the cost per capita for IT services JID would provide to the court user.

Judge Sanchez moved that the IT Budget Strategy Committee report to CJC at the May meeting requesting that IT be considered a priority. Judge Henry Alaniz will be the spokesperson for the committee. The IT Budget Strategy Committee proposes the strategy to JIFFY to adequately fund JID. JID would stand alone with its own budget and funding for JID would come out of the General Fund. The Committee proposes approaching the district courts, BCMC and the magistrate courts with proposals that within their budgets they will ask the Legislature for a certain amount of money tied to IT and that money would be earmarked for use by JID. In return JID would provide defined services to the courts. The other part of the plan is that there would be a recurring increase (six percent over a period of years) in the budget requests with the purpose of allowing JID a separate budget from the rest of NM Judiciary. Judge Alaniz seconded. A vote was taken and all voted in favor of the motion. Motion carried.

Court Overhead Display. Katina Watson presented the handout entitled “*JID Overhead Hearing Display System Requirements Specification*” and explained that electronic docket monitors could display court calendars in real time for the public as they enter the courthouse looking for their courtroom or the time that the hearing is scheduled to begin This functionality could be used in all of the state courts and many courts are interested in obtaining this program. The 12th JDC is willing to be the

champion for the project. The 12th JDC is willing to pay for the monitors and the computer to run the program.

- Mr. Elsbrock stated that the proposal is to build a simple system and replicate it across all of the courts who expressed interest in the court overhead display. Some of the technology is being borrowed from courts that already have these displays in their courts. It would take JID a few months to develop the technology and a month to test and then roll it out. Currently there are three separate overhead display programs in the courts. If this system is rolled out to the other courts, JID will only have one system to support.

Judge Singleton moved that the request for JID to develop an overhead hearing display for the 12th JDC, with the intent to roll out this program to any other courts who would like this feature in their courthouse be put on the JID Parking Lot for discussion at the May 19, 2016 JIFFY meeting. Lynne Rhys seconded. No opposition noted. Motion carried.

V. JIFFY Subcommittee Activities.

Judges User Group. Judge Singleton stated that OJUG had not met this month.

Forms Committee. Judge Mitchell reported that the Forms Committee had met and had completed a number of tasks.

Data Standards. Judge Mitchell reported that Data Standards will meet this afternoon.

IT Budget Strategy Committee. Refer to pages 7-9.

Online Access Subcommittee. Brenda Castello reported that OAS met April 15 and the main focus is on the Matrix for refinements prior to being submitted to JIFFY for approval. Matrix has been separated out from Portal due to Portal delays. The next OAS meeting is scheduled after the May JIFFY meeting which means that next report from OAS will be at the June JIFFY meeting.

Reports Committee. Tobie Fouratt explained that the handout entitled “*JID Enterprise Custom Reports Task List 4/18/16*” is the most current working task list from the ECR report requests the committee has received. The handout contains the status of the ECR reports being worked on at this time, projected hours for completion and who the reports will be available to when completed. There is a form that is available to all of NM Judiciary that will serve as the request to the committee for any further development of the reports.

VI. CIO Report. Mr. Saunders introduced Jessica Vigil who worked as an intern at Los Alamos National Lab before joining the JID Systems Team.

VII. Additional Attachments.

E-Pay Update. Mr. Saunders pointed out that the e-pay graph shows that the collections for March 2016 are close to last month’s collections which is approaching \$400,000.

VIII. Future Meetings. The next meeting will be held on May 19, 2016 **8:00 a.m.**, at the Judicial Information Division in Santa Fe.

IX. Adjourned. Judge Mitchell adjourned the meeting at 12:09 p.m.